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PTO/SB/21 (08-00)

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GP 213 #

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|----------------------|
| Application Number | 09/981,660 |
| Filing Date | 10/17/2001 |
| First Named Inventor | Mitchell A. Benjamin |
| Group Art Unit | 2131 |
| Examiner Name | Unknown |
| Attorney Docket Number | 44375/16:1 |

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☒ Fee Attached
- ☐ Amendment / Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☒ Response to Missing Parts/ Incomplete Application
 - ☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☒ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

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MAY 16 2002

Technology Center 2100

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--------------------------------------|
| Firm or Individual name | Shaukat A. Karjeker, Reg. No. 34,049 |
| Signature | |
| Date | |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

05/01/2002

| | |
|-----------------------|----------------------------|
| Typed or printed name | Shaukat A. Karjeker |
| Signature | <i>Shaukat A. Karjeker</i> |
| Date | 5/1/2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/17 (10-01)

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 260.00

Complete if Known

Application Number 09/987,660
Filing Date 10/17/2001
First Named Inventor Mitchell A. Benjamin
Examiner Name Unknown
Group Art Unit 2121
Attorney Docket No. 44375/16:1

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number 19-4455
Deposit Account Name
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee Code | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| | | | -20** = | X | |
| | | | -3** = | X | |

| Large Entity | Small Entity | Fee Code | Fee Code | Fee Description |
|--------------|--------------|----------|----------|--|
| 103 | 16 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Fee Code | Large Entity | Fee Code | Small Entity | Fee Description | Fee Paid |
|----------|--------------|----------|--------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | -480.00 |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | 720.00 |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17(g) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 260.00

SUBMITTED BY

Name (Print/Type) Shaikat A. Karjekar
Signature Shaikat A. Karjekar

Registration No. (Attorney/Agent) 34,049

Complete (if applicable)

Telephone 206-386-7633

Date 5/11/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Washington, D.C. 20231
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Paper No. 7

SHAUKAT A. KARJEKER
C/O STOEL RIVES LLP
900 SW FIFTH AVENUE, SUITE 2600
PORTLAND OREGON 97204-1268

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APR 16 2002

 OFFICE OF PETITIONS
ON PETITION

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MAY 16 2002

Technology Center 2100

In re Application of :
Mitchell A. Benjamin et al :
Application No. 09/981,660 :
Filed: October 17, 2001 :
Attorney Docket No. 44375/16:1 :

This is in response to the "Petition to Withdraw Claim of Priority," filed March 26, 2002.

The petition is dismissed as moot.

Petitioner requests that the claim to priority to nonprovisional Application No. 09/837,563 and provisional Application No. 60/198,068 be withdrawn.

Petitioner is advised that withdrawal of a reference to a claim for priority made in the first line following the title of the specification is appropriate by way of an amendment. It is noted that an amendment deleting all reference to prior-filed nonprovisional Application No. 09/837,563 and provisional Application No. 60/198,068 has been submitted concurrently with the instant petition. Accordingly, the submission of a petition to delete a reference to the prior filed applications is unnecessary and is dismissed as involving a moot issue.

Petitioner is advised that, by deleting all reference to the prior filed applications, he cannot later file a petition under 37 CFR 1.78(a)(3) and (a)(6) to accept a claim for priority to the prior-filed applications as unintentional.

Application No. 09/981,660

Page 2

It is noted that a petition under 37 CFR 1.48(b) was filed on March 26, 2002 to remove Daniel Preston and R. Pierce Lutter as inventors.

Petitioner's attention is directed to 37 CFR 1.48(f), which states:

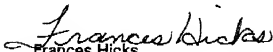
If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath during the pendency of the application will act to correct the earlier identification of inventorship. See §§ 1.41(a)(4) ***.

Accordingly, since the executed declaration filed on March 26, 2002 is the first submission of an executed declaration, that declaration acts to correct the earlier identification of inventorship.

A corrected filing receipt which reflects that this application does not claim priority to any prior-filed applications and which reflects the inventors named in the declaration received March 26, 2002 accompanies this decision on petition.

Any questions concerning this decision may be directed to the undersigned at (703) 305-8680.

This application is being forwarded to the Office of Initial Patent Examination Division for pre-examination processing and for mailing of a Filing Receipt reflecting the projected publication date of the instant application.


Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt



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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Mitchell A. Benjamin et al.**

Provisional Application No. 09/981,660

Filed: October 17, 2001

For: **MULTI-SENSOR FUSION**

SUPPLEMENTAL RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to a Notice of Incomplete Reply dated April 22, 2002, we hereby submit this Supplemental Response to our first Response to Notice to File Missing Parts. The April 22, 2002, Notice states (1.) that the declaration submitted was unsigned and (2.) drawings in compliance with 37 C.F.R. 1.84 must be submitted.

1. The Declaration was submitted with the first Response to Notice to File Missing Parts, on March 19, 2002. As indicated in the attached letter from the Petitions Office responding to the "Petition to Withdraw Claim of Priority", at page two, with reference to 37 C.F.R. 1.48(f), if the correct inventor or inventors are not named on filing a non-provisional application, but without executed oath or declaration, the first submission of an executed oath during the pendency of the application will act to correct the earlier identification of inventorship. Thus, our first submission of the executed oaths and declarations of four of the inventors that we filed on March 19, 2002 (copy attached), serves to remove Daniel Preston and R. Pierce Lutter as inventors and to correct inventorship. No further declarations are needed. The declarations of the four actual inventors were submitted on March 19, 2002 along with an explanation that Preston and Lutter were named in error, and were not inventors.

2. A formal set of drawings in compliance with 37 C.F.R. 1.84 is enclosed.

In view of the foregoing, Applicants' respectfully submit that the missing parts have been supplied, and that there are no outstanding issues with regard to either declarations or drawings.



Shaukat A. Karjeker
Reg. No. 34,049

Date: 5/1/2002

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Attorney Docket No. 44375/16:1



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **Mitchell A. Benjamin et al.**

Group Art Unit: 2131

Application No. 09/981,660

Filed: October 17, 2001

For: **MULTI-SENSOR FUSION**

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TO THE COMMISSIONER FOR PATENTS:

PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)

Applicants' attorney/agent hereby petitions that the time for response to the November 8, 2001 Notice to File Missing Parts (having a two-month January 8, 2002 due date) be extended for a period of four months to May 8, 2002. A check in the amount of \$260 (3 month extension/\$460 previously filed March 19, 2002; \$260 remaining fee for 4th month extension) is submitted.

Respectfully submitted,

By

Shaukat A. Karjekar
Shaukat A. Karjekar
Registration No. 34,049

Dated: 5/1/2002

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Attorney Docket No.: 44375/16:1

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